

# MEMORANDUM

Agenda Item No. 6(I)

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**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

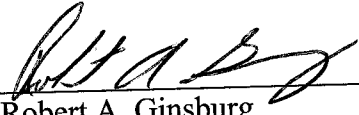
**DATE:** January 20, 2005

**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Ordinance amending Section  
26-1, Rule 13 of the Code  
relating to closing of parks

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The accompanying ordinance was prepared and placed on the agenda at the request of Senator Javier D. Souto.

  
Robert A. Ginsburg  
County Attorney

RAG/jls

# Memorandum



**Date:** January 20, 2005

**To:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**From:** George M. Burgess  
County Manager

A handwritten signature in black ink, appearing to read "Burgess", written over the printed name "George M. Burgess".

**Subject:** Ordinance amending Section 26-1 of the County Code; relating to closing of parks;  
adjusting park hours of operation

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The ordinance relating to closing of parks and adjusting park hours of operation may have a fiscal impact to Miami-Dade County.

The Park and Recreation Department may have to increase permanent and roving security presence at 17 existing lighted facilities in the County. The estimated cost of this additional security is \$702,000.

fiscal/04404



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** January 20, 2005

**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Agenda Item No. 6(I)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 6 (I)  
1-20-05

ORDINANCE NO. \_\_\_\_\_

ORDINANCE AMENDING SECTION 26-1, RULE 13, OF THE  
CODE OF MIAMI-DADE COUNTY RELATING TO CLOSING  
OF PARKS; ADJUSTING PARK HOURS OF OPERATION;  
PROVIDING SEVERABILITY, INCLUSION IN THE CODE,  
AND AN EFFECTIVE DATE

**WHEREAS**, the Miami-Dade County Park and Recreation Department has been actively  
installing lit walking paths in many County-owned parks; and

**WHEREAS**, this Board desires to enhance use of the new lit walkways by adjusting the  
operating hours of County-owned park facilities,

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:**

Section 1. Section 26-1, Rule 13, of the Code of Miami-Dade County, Florida, is  
hereby amended to read as follows:<sup>1</sup>

**Sec. 26-1. Rules and regulations adopted.**

*Rule 13. Closing of Parks.*

- (a) No person shall be or remain in any part of any park that is  
fenced in or provided with gates between the closing of the  
gates at night and their reopening on the following day; nor  
shall any person be or remain in any park not fenced in or  
provided with gates, between sunset and sunrise or as  
specifically posted, except in areas designated as twenty-  
four-hour boat launching areas, >>except in well-lit areas  
designated for use until 11:00 p.m. when in the discretion  
of the Department Director and upon consultation with the

<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored  
and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now  
in effect and remain unchanged.

neighboring community or the Commissioner of the affected district and the applicable police department,<< and except that persons and vehicles may pass through such parks without stopping, on the most direct walk or driveway leading from their point of entrance to the exit nearest to their point of destination. The provisions of this section shall not apply to police officers or department employees while in the discharge of their duties nor to persons having a permit in writing issued by the department to be or remain in any part of the parks between such hours. The Department Director has the authority to establish exceptions to the closing hours as set forth above when it is in the interest of the public health, safety or welfare and such exceptions shall be posted.

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:

RA 6  
MHME

Prepared by:

Mariela Martinez-Cid

Sponsored by Senator Javier D. Souto

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